

THE HONORABLE RONALD B. LEIGHTON



07-CV-05294-ORD

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAREFREE CARTAGE, INC., an Illinois
corporation; GREAT WEST CASUALTY
COMPANY, a Nebraska corporation,

Plaintiffs,

v.

HUSKY TERMINAL AND STEVEDORING, INC., a
Delaware corporation; and PORT OF TACOMA, a
municipal corporation in the State of Washington,

Defendants.

HUSKY TERMINAL AND STEVEDORING, INC., a
Delaware corporation,

Third Party Plaintiff,

v.

KAWASAKI KISEN KAISHA, LTD., d/b/a "K" Line,
a Japanese corporation,

Third Party Defendant.

No. C07-5294 RBL

**STIPULATED MOTION AND
ORDER TO CONTINUE BY ONE
WEEK THE NOTING DATE FOR K-
LINE'S MOTION TO STRIKE AND
DISMISS ALLEGATIONS OF
ADMIRALTY JURISDICTION AND
RULE 14(C)**

STIPULATED MOTION AND ORDER TO CONTINUE K-LINE'S
MOTION NOTING DATE BY ONE WEEK

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LE GROS BUCHANAN
& PAUL
701 FIFTH AVENUE
SUITE 2500
SEATTLE, WASHINGTON 98104-7051
(206) 623-4990

I. MOTION

Third Party Defendant, Kawasaki Kisen Kaisha, Ltd. ("K' Line") and Defendant and Third Party Plaintiff Husky Terminal and Stevedoring, Inc. ("Husky"), through their respective counsel of record, jointly move to continue the present November 2, 2007 noting date for "K" Line's Motion to Strike and Dismiss Allegations of Admiralty Jurisdiction and Rule 14(C) by one (1) week to November 9, 2007, for the purpose of allowing "K" Line additional time to investigate certain factual allegations raised in Husky's Opposition to "K" Line's Motion.

II. STIPULATION

1. Plaintiffs, Carefree Cartage, Inc. and Great West Casualty Co., filed a Complaint against Defendants Husky and Port of Tacoma seeking damages related to an incident resulting in the alleged release or threatened release of epichlorohydrin.

2. Defendant Husky filed a third party complaint against "K" Line seeking indemnification and contribution, among other relief.

3. "K" Line brought the subject Motion to Strike and Dismiss Allegations of Admiralty Jurisdiction and Rule 14(C). The Motion was noted for November 2, 2007, and Husky filed its Opposition on October 29, 2007.

4. Husky's Opposition raises factual allegations which may be determinative of the Motion, requiring further investigation on the part of "K" Line, and which may also require "K" Line to obtain an affidavit.

5. The necessary investigation cannot be accomplished, nor can an affidavit be obtained, before the November 2, 2007 noting date.

6. This stipulation is an agreement, and request, that the November 2, 2007 noting date be extended by one (1) week to November 9, 2007 to allow "K" Line to conduct the necessary investigation and obtain any necessary affidavit.

STIPULATED AND AGREED TO:

DATED this 2nd day of November, 2007.

s/Thomas F. Paul

Thomas F. Paul, Esq., WSBA #2262
Attorneys for Defendant Kawasaki Kisen
Kaisha, Ltd., d/b/a "K" Line
LeGros, Buchanan & Paul
701 Fifth Avenue, Ste. 2500
Seattle, WA 98104
Telephone: (206) 623-4990
Facsimile: (206) 467-4828
E-mail: tpaul@legros.com

s/Thomas G. Johnson

Thomas G. Johnson, Esq., WSBA #8929
Attorneys for Defendant Husky Terminal
and Stevedoring, Inc.
Bauer, Moynihan & Johnson
2101 Fourth Avenue, Ste. 2400
Seattle, WA 98121
Telephone: (206) 443-3400
Facsimile: (206) 448-9076
E-mail: tjohnson@bmjlaw.com

s/Rodney Q. Fonda

Rodney Q. Fonda, Esq., WSBA #6594
Attorneys for Defendant Port of Tacoma
Cozen O'Connor
1201 Third Avenue, Ste. 5200
Seattle, WA 98101
Telephone: (206) 340-1000
Facsimile: (206) 621-8783
E-mail: rfonda@cozen.com

s/Dennis Smith

Dennis Smith, Esq., WSBA #5288
Attorneys for Plaintiffs Carefree Cartage,
Inc. and GWCC
Wilson Smith Cochran Dickerson
1215 Fourth Avenue, Suite 1700
Seattle, WA 98161
Telephone: (206) 623-4100 623-4990
Facsimile: (206) 623-9273
E-mail: smithd@wsed.com

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STIPULATED MOTION AND ORDER TO CONTINUE K-LINE'S
MOTION NOTING DATE BY ONE WEEK

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LE GROS BUCHANAN
& PAUL

701 FIFTH AVENUE
SUITE 2500
SEATTLE, WASHINGTON 98104-7051
(206) 623-4990

III. [proposed] ORDER

IT IS HEREBY ORDERED that the November 2, 2007 noting date be extended by one (1) week to November 9, 2007 to allow "K" Line to conduct the necessary investigation and obtain an affidavit, if necessary.

The clerk is directed to send attested copies of this order to all counsel of record.

DATED this 5th day of November, 2007, in Seattle, Washington.


THE HONORABLE RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

/s/Thomas F. Paul

Thomas F. Paul, Esq., WSBA #2262
Attorneys for Defendant Kawasaki Kisen Kaisha, Ltd., d/b/a "K" Line
LeGros, Buchanan & Paul
701 Fifth Avenue, Ste. 2500
Seattle, WA 98104
Telephone: (206) 623-4990
Facsimile: (206) 467-4828
E-mail: tpaul@legros.com

/s/Thomas G. Johnson

Thomas G. Johnson, Esq., WSBA #8929
Attorneys for Defendant Husky Terminal and Stevedoring, Inc.
Bauer, Moynihan & Johnson
2101 Fourth Avenue, Ste. 2400
Seattle, WA 98121
Telephone: (206) 443-3400
Facsimile: (206) 448-9076
E-mail: tgjohnson@bmjlaw.com